

COHEN & GREEN

February 13, 2023

Honorable Valerie Figueredo, U.S.M.J.
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

By Electronic Filing:

Re: Rodriguez et al v. City of New York, et. al., 21-CV-10815 (PKC)

Dear Judge Figueredo:

I am co-counsel for Plaintiffs in the above-captioned matter. I write jointly with Defendants to provide a status report pursuant to Your Honor's December 30, 2023 Order (Dkt. 75) and to request an extension of the time to complete discovery. Specifically, the parties request an additional 60 days to complete discovery. The current deadline for fact discovery is February 15, 2024 (Dkt. 67). This is the second request for an extension of time to complete discovery.

In terms of the case status, Defendants responded to Plaintiff's first set of interrogatories and document demands. Plaintiff sent Defendants a deficiency letter, and the parties are working to schedule a meet and confer for this week, consistent with the Court's requirements and to narrow any issues that might need to be brought to the Court. Defendants served their first set of interrogatories and document demands on December 22, 2023, which Plaintiff will serve responses to on or before February 21, 2024. Plaintiff amended the Complaint, including to add two new theories of *Monell* liability related to the alleged issues of (a) Defendants' policies and practices of concealing officer identities and (b) Defendants' failure to track NYPD members during protests. Plaintiff intends to serve shortly a Rule 30(b)(6) notice and second set of interrogatories and discovery demands, both tailored to address these two additional claims. Because this case was coordinated with *In re: New York City Policing During Summer 2020 Protests*, 20-cv-8924 (CM)(GWG), 30(b)(6) depositions related to all other *Monell* claims were already conducted, as was paper discovery related to those claims. Defendants are still evaluating the facial merits of Plaintiff's new *Monell* claims and reserve the right to object to any additional *Monell* discovery sought by Plaintiff. Plaintiff's position is that discovery is appropriate for all claims in the operative pleading. Plaintiff and Defendants have served deposition notices, and intend to conduct depositions after responses to discovery requests and interrogatories have been served.

In order to complete this paper discovery and conduct these depositions, the parties respectfully request an additional 60 days to complete discovery, bringing the close of fact discovery to April 15, 2024.

Thank you for your attention to this matter.



Respectfully submitted,

/s/

Elena L. Cohen

Honorific/Pronouns: Ms., she/ her/ hers

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cc:

All relevant parties by electronic filing.